REMARKS

Claims 30-51 were rejected. Claims 30, 32, 38, 40, 43, 45, 48, and 50 have been amended. Claims 31, 39, 44, and 49 have been canceled without prejudice or disclaimer. Accordingly, claims 30, 32-38, 40-43, 45-48, 50, and 51 remain pending. Reconsideration of the case is earnestly requested in light of the following remarks.

Rejections Under 35 U.S.C. § 103

Claims 30, 38, 43, and 48 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ecklund (U.S. Patent No. 4,853,843). The rejection of claims 30, 38, 43, and 48 under § 103(a) is a new ground of rejection entered by the Board of Patent Appeals and Interferences under 37 C.F.R. § 41.50(b). Applicant exercises the option under 37 C.F.R. § 41.50(b) to submit an amendment of the rejected claims and have the matter reconsidered by the Examiner. Applicant respectfully traverses the rejections in light of the following remarks.

Claim 30 has been amended to recite, in pertinent part, "store the second file and the third file in a common directory in a file system." Claims 38, 43, and 48 have been similarly amended. Support for the amendments to claims 30, 38, 43, and 48 may be found in Applicant's original specification at least from page 18, line 16 to page 19, line 7. Entry of the amendments is respectfully requested.

Applicant respectfully submits that Ecklund does not disclose the combination of features of amended claim 30, including "store the second file and the third file in a common directory in a file system." In the rejection of claim 31, which previously recited the limitation "wherein creating the second file and the third file comprises creating the second file and the third file in a common directory," the Examiner cited Ecklund at Fig. 12 and col. 2, lines 63-68. Fig. 12 simply illustrates forming a merged database from two group updates formed in different partitions (col. 50, lines 5-7). In col. 2, lines 63-68, Ecklund discloses:

A data base system provides a plurality of separate virtual partitions, each storing separate instances of an initial data base. The data base comprises an initial set of versions of data objects, each version of a particular data object, other than a first version of the data object, being created by modifying an existing version of the data object. The initial data base also includes an initial set of directory data associated with each data object, the directory data identifying non-overlaping "paths of descendancy" for the associated data object, wherein each path of descendancy comprises sequentially created versions of the data object. Each data object version included in a path, except a first data object version of the path, directly descends from a last created data object version of the path. The directory data classifies each path as one of "principal" and "alternate", and classifies each version of each path as being one of "current" and "non-current". However, one and only one path of each object is classified as "principal" and one and only one version of each path is classified as "current".

Thus, Ecklund teaches that a database stores "an initial set of directory data" which identifies "paths of descendancy" for versions of each data object. However, this teaching has nothing whatsoever to do with <u>storing</u> two files <u>in a common directory in a file system</u>. Accordingly, Applicant respectfully submits that claim 30 is believed to patentably distinguish over Ecklund.

For at least the reasons discussed above, Applicant respectfully submits that independent claims 30, 38, 43, and 48 are believed to patentably distinguish over the cited references, including Ecklund. The dependent claims are believed to patentably distinguish over the cited references at least due to their dependence on the independent claims. Because the rejection has been shown to be unsupported for the independent claims, a further discussion of the dependent claims is not necessary at this time. Accordingly, Applicant respectfully requests withdrawal of the § 103(a) rejections.

CONCLUSION

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 50-1505/5760-18700/BNK.

Respectfully submitted,
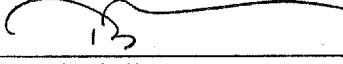
B Noël Kivlin
Reg. No. 33,929
ATTORNEY FOR APPLICANT(S)

Meyertons, Hood, Kivlin, Kowert & Goetzel PC
P.O. Box 398
Austin, TX 78767-0398
Phone: (512) 853-8800
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